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EXAMINER

ROSEN, NICHOLAS D

ART UNIT PAPER NUMBER

3625

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/925,972

**Applicant(s)**

FEI ET AL.

**Examiner**

Nicholas D. Rosen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-39 have been examined.

#### ***Requirement for Information (37 CFR 1.105)***

An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: The affidavit of Mr. Calvin Fei states, "A working embodiment of our concepts was completed and publicly deployed by not later than August 11, 2000" (paragraph 4). This raises the question of whether the "public deployment" occurred before August 10, 2000, in which case it could constitute public use or sale by the applicant more than a year before the filing date, which could be grounds for rejection. Examiner therefore requires that Applicant provide information on whether such public deployment occurred before August 10, 2000. In the event that public deployment occurred before August 10, 2000, Applicant is further required to describe the nature of the public deployment, and provide whatever relevant documentation is available, enabling it to be determined which, if any, claim limitations were anticipated by Applicant's public deployment.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

### ***Claim Objections***

Claim 33 is objected to because of the following informalities: At the end of the second line of claim 33, there should be a colon instead of a semicolon after "step (a)". Appropriate correction is required.

Claims 34-38 are objected to because of the following informalities: At the end of the second line of claim 34, there should be a colon after the word "comprising". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 recites, "instructions displayed on a single display screen." It is not clear whether this means (a) that the instructions are displayed on a single physical screen, perhaps at different times; or (b) that the instructions to enter a PIN and to enter a transaction mode are displayed on a single screen visible at one time.

Claims 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 recites, "instructions displayed on a single display screen." It is not clear whether this means (a) that the instructions are displayed

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on a single physical screen, perhaps at different times; or (b) that the instructions to enter a PIN and to enter a transaction mode are displayed on a single screen visible at one time.

Claims 30, 31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of these claims recites, "a query consisting of a single display screen." It is not clear whether this means (a) that the query is displayed on a single physical screen, perhaps at different times; or (b) that a query concerning a user's PIN and a query concerning the user's preferred transaction mode are displayed on a single screen visible at one time.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6, 10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferber et al. (U.S. Patent Application Publication 2002/0003162). As per claim 1, Ferber discloses a method for presenting a show on an automated teller machine (ATM), said method comprising the steps of: providing access to a memory

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area containing a plurality of show elements (Abstract; paragraphs 8, 9, 19, and 23); associating a subset of said plurality of show elements with a market category (paragraphs 8, 19, 23, and 24); in response to activation of said ATM by a user associated with said market category, selecting one or more show elements from said subset to form a playlist; and displaying said one or more show elements identified by said playlist to said user (Abstract; paragraphs 20 and 22-26). Ferber does not use the work "playlist," but whatever set of advertisements are selected and displayed may be regarded as a playlist.

As per claim 2, Ferber discloses that said market category is defined by one or more traits (paragraphs 23 and 24).

As per claim 5, Ferber discloses that one of the traits is an ATM market class (paragraph 24).

As per claim 6, Ferber discloses that said step of selecting one or more show elements comprises retrieving a list of show elements from a profile (paragraphs 23 and 24).

As per claim 10, Ferber discloses ordering a said playlist prior to said step of displaying said one or more show elements (paragraphs 22 through 25).

As per claim 12, Ferber discloses that said plurality of show elements comprises at least one advertisement (Abstract; paragraphs 8, 9, and 23-25).

Claims 34, 35, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferber et al. (U.S. Patent Application Publication 2002/0003162). As per claim 34,

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Ferber discloses an apparatus for presenting a show on an automated teller machine (ATM), comprising: a memory area containing a plurality of show elements (paragraphs 9, 23, and 24); a processor that monitors activity on said ATM (Abstract; paragraphs 89, 23, and 24), wherein said processor, in response to activation of said ATM by a user associated with a market category, retrieves one or more of said plurality of show elements from said memory area, and presents said show elements to said user (Abstract; paragraphs 9, 20, 22, 23, 24, and 25).

As per claim 35, Ferber discloses that said market category is defined by one or more traits (paragraphs 23 and 24).

As per claim 38, Ferber discloses that one of the traits is an ATM market class (paragraph 24).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**First Set of 103 Rejections:**

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 2 above, and further in view of official notice. As per claim 3, Ferber discloses that one of said traits is possession of an access card (paragraphs 20 and 22), and official notice is taken that it is well known for access cards to contain strings of predetermined alphanumeric characters (e.g., the ATM card in Examiner's wallet does so). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the access card to contain a string of predetermined alphanumeric characters, for the obvious advantage of enabling a user to readily distinguish the access card from other cards in his wallet.

As per claim 4, Ferber does not expressly disclose that one of the traits is a user relationship, but does disclose that the traits include a user profile (e.g., paragraph 23), and official notice is taken that it is well known for user profiles to comprise user relationships. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one of the traits to be a user relationship, for the obvious advantage of selecting advertisements likely to result in purchases by users, based on relevant information about users.

Claims 7, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 6 above, and further in view of official notice. As per



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claim 7, Ferber discloses that the profile comprises an access card identifier (paragraphs 20 and 22). Ferber does not expressly disclose a show element identifier, but official notice is taken that it is well known for files or elements in a database to have identifiers. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the profile to comprise a show element identifier, for the obvious advantage of being able to select and display a relevant show element, as disclosed in Ferber.

As per claim 8, Ferber discloses that the profile comprises an identifier for the user (paragraphs 20, 22, and 23). Ferber does not expressly disclose a show element identifier, but this is held to be obvious as set forth in regard to claim 7 above.

As per claim 9, Ferber discloses that the profile comprises an identifier for the ATM (inherent as necessary to base show elements on the location of the ATM, as disclosed in paragraph 24). Ferber does not expressly disclose a show element identifier, but this is held to be obvious as set forth in regard to claim 7 above.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 1 above, and further in view of Kurtzman, II et al. (U.S. Patent 6,144,944). Ferber does not disclose retrieving a weight assigned to each of said one or more show elements, but Kurtzman teaches retrieving weights assigned to advertisements (column 2, lines 22-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to retrieve retrieving a weight assigned to each of said one or more show elements, for stated advantage of finding a best match advertisement(s) for a user.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 1 above, and further in view of Stock ("Coming Next to Your Local Bank: ATMs That Allow Internet Access?") and official notice. As per claim 13, Stock teaches ATM's displaying show elements including the Web sites of hometown newspapers (paragraph beginning "Existing technology would let consumers customize"), and official notice is taken that it is well known for newspapers to include public service announcements. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the show elements to comprise at least one public service announcement, for the obvious advantage of providing users with desired public service announcements.

As per claim 14, Stock teaches ATM's displaying show elements including the Web sites of hometown newspapers (paragraph beginning "Existing technology would let consumers customize"), and official notice is taken that it is well known for newspapers to include news articles. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the show elements to comprise at least one news article, for the obvious advantage of providing users with desired news articles.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 1 above, and further in view of Vak (U.S. Patent 5,473,143). As per claim 15, Ferber discloses providing a contact device that is responsive to an input from the user (paragraph 20); Vak implies a similar or identical contact device (column 2, lines 12-21; column 6, lines 1-28), and teaches in response to

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user input, generating an electronic mail message containing information about the user, and transmitting said message (column 1, line 65, through column 3, line 9; column 17, lines 43-53; column 18, lines 39-58). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate and transmit such a mail message, for the stated advantage (Vak, column 1, lines 55-61) of providing readily accessible electronic mail communication that frees users from the need to use a special purpose terminal.

As per claim 16, Ferber discloses providing a contact device that is responsive to an input from the user (paragraph 20); Vak implies a similar or identical contact device (column 2, lines 12-21; column 6, lines 1-28), and teaches in response to user input, generating an electronic mail message and transmitting said electronic mail message to an address specified by the user (column 1, line 65, through column 3, line 9; column 17, lines 43-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate and transmit such a mail message, for the stated advantage (Vak, column 1, lines 55-61) of providing readily accessible electronic mail communication that frees users from the need to use a special purpose terminal.

Claims 17, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 1 above, and further in view of Redman ("Wells Fargo to Web-enable 6,300 Machines"). As per claim 17, Ferber does not disclose displaying a default set of show elements prior to activation of said ATM by the user, but Redman teaches this (paragraph beginning "The interactive element").

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Hence, displaying such default show elements would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention, for the obvious advantage of advertising one's goods and services, or receiving payment for advertising other businesses' goods and services.

As per claim 18, Ferber discloses show elements being based on a market class for the ATM (paragraph 24).

As per claim 19, Ferber does not expressly disclose processing a transaction request during said step of displaying said one or more of said show elements, but Redman teaches such processing (paragraph beginning "The interactive element"). Hence, processing a transaction request during said step of displaying said one or more of said show elements would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention, for the obvious advantages (noted in Redman) of not reducing the usefulness of ATM's, requiring more ATM's to be installed, with corresponding costs, to transact the same amount of business, or frustrating users waiting to complete their transactions.

Claims 20, 21, 22, 23, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 1 above, and further in view of Redman ("Wells Fargo to Web-enable 6,300 Machines") and official notice. Redman teaches displaying show elements during processing without interfering with customer transactions (paragraph beginning "The interactive element"). Redman does not expressly state that this is done while waiting for the user to respond to a prompt to enter a PIN (as per claim 20), while waiting for the user to respond to a prompt to select

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a transaction mode (as per claim 21), while waiting for the user to respond to a prompt to select an account (as per claim 22), while waiting for the user to respond to a prompt to retrieve a disbursed item (as per claim 23), while waiting for the user to respond to a prompt (as per claim 24), or that the step of displaying is carried out substantially simultaneously with at least one of prompting the user to enter a PIN, select a transaction mode, or select an account, processing a transaction request initiated by the user, displaying a transaction request result, dispensing an access card, and dispensing a receipt (as per claim 25). However, official notice is taken that it is well known for ATM's to wait for user to respond to the various kinds of prompts in claims 20-24, and to perform at least one of the prompting, processing, displaying, and dispensing steps of claim 25. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display show elements in the various circumstances recited in claims 20-25, for the obvious advantages (noted in Redman) of not reducing the usefulness of ATM's, requiring more ATM's to be installed, with corresponding costs, to transact the same amount of business, or frustrating users waiting to complete their transactions.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 1 above, and further in view of official notice. As per claim 26, Ferber does not expressly disclose prompting the user to enter a PIN, prompting the user to select a transaction mode, prompting the user to select an account, processing a transaction request initiated by the user, displaying a transaction request result, dispensing an access card, and dispensing a receipt. However, official

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notice is taken that these are routine procedures of ATM's, as Examiner is in a position to know, having used ATM's for over twenty years, along with millions of other Americans. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do these things, for the obvious advantage of enabling users to carry out their desired transactions, receive back their cards, etc.

As per claim 27, Ferber discloses retrieving user's profile in response to activation (paragraphs 20, 22, and 23), and discloses that the profile may include user preferences (paragraph 21), implying retrieving a set of user preferences in response to activation; Ferber also discloses receiving input from the user comprising a PIN (paragraph 20). Ferber does not expressly disclose that the input also consists of a transaction mode entered by the user in response to instructions displayed on a single display screen, but official notice is taken that it is well known to receive as input a transaction mode entered by an ATM user in response to instructions displayed on a single display screen (e.g., a single display screen offers choices, and a user presses a button to choose withdrawal of cash as a transaction mode); official notice is taken that it is also well known for ATM's to dispense cash to users. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the input to comprise such a transaction mode, and for the method to comprise dispensing cash, for the obvious advantage of enabling the ATM to carry out its basic functions as an ATM, also known as a cash machine.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the anonymous article, "The Year of the Thin Client," hereinafter "Year," in view of official notice. As per claim 28, "Year" discloses a method of dispensing cash from an ATM, comprising: retrieving a set of user preferences from a memory area in response to insertion of an access card into the ATM by a user (six paragraphs beginning from "Other news from RDS included announcements"; the "display of personalised information" requires such retrieval). "Year" does not expressly disclose receiving input from a user, wherein said input consists of a PIN and a transaction mode entered by a user in response to instructions displayed on a single display screen, but official notice is taken that it is well known for ATMs to receive a PIN and transaction mode as input from a user in response to displayed instructions, displayed on a single display screen, as Examiner is in a position to know, having used ATM's for over twenty years, along with millions of other Americans. "Year" does not expressly disclose dispensing said cash to the user, but dispensing cash from ATMs is both notoriously well-known and implied by the question, "Hello, Ms. Smith, would you like your usual \$100 withdrawal today?" Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to receive such input and dispense the cash, for the obvious advantage of enabling the ATM to carry out its basic functions as an ATM, also known as a cash machine.

As per claim 29, "Year" discloses that the set of user preferences comprises a fast cash option ("Hello, Ms. Smith, would you like your usual \$100 withdrawal today?"). "Year" does not disclose that the set of user preferences comprises a language option

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or a receipt print option, but official notice is taken that it is well known to offer people the options of what language to use, and whether to receive receipts. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the set of user preferences to comprise a language option and a receipt print option, for the obvious advantage of providing users with desired customized services.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber et al. (U.S. Patent Application Publication 2002/0003162) in view of official notice. Ferber discloses inserting an access card into an ATM and providing a PIN (paragraph 20). Ferber does not disclose providing a transaction mode as well, in response to a query consisting of a single screen, but official notice is taken that it is well known to provide a transaction mode (such as "withdrawal from checking") in response to instructions displayed on a display screen, and also that it is well-known for users of ATM's to receive cash and retrieve their access cards, as Examiner is in a position to know, having used ATM's for over twenty years, along with millions of other Americans. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a transaction mode as recited, for the obvious advantage of carrying out one's desired transaction; and to receive the cash and retrieve the access card, for the obvious advantage of completing the transaction with the ATM (also known as a cash machine).



Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber et al. (U.S. Patent Application Publication 2002/0003162) in view of official notice.

Claim 31 is closely parallel to claim 30, and found obvious on the same grounds; additionally, official notice is taken that it is well known to receive a receipt upon using an ATM; hence, doing so would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention, for the obvious advantage of aiding users in tracking their bank balances and balancing their checkbooks.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber et al. (U.S. Patent Application Publication 2002/0003162) in view of official notice.

Ferber discloses inserting an access card into an ATM and providing a PIN (paragraph 20). Ferber does not disclose providing a transaction mode as well, in response to a query consisting of a single screen, but official notice is taken that it is well known to provide a transaction mode (such as "balance inquiry") in response to instructions displayed on a display screen, and also that it is well-known for users of ATM's to receive cash and retrieve their access cards, as Examiner is in a position to know, having used ATM's for over twenty years, along with millions of other Americans. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a transaction mode as recited, for the obvious advantage of carrying out one's desired transaction; and to receive the printout statement and retrieve the access card, for the obvious advantage of aiding users in learning their bank balances or other account information.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber et al. (U.S. Patent Application Publication 2002/0003162) in view of Redman ("Wells Fargo to Web-enable 6,300 Machines") and official notice. Ferber discloses a method of conducting a transaction on an ATM comprising: (a) displaying a show in response to activation of the ATM by a user (paragraphs 20, 23, 24, and 25). Ferber does not expressly disclose performing at least one of the listed substeps while carrying out step (a), wherein none of the substeps performed in step (b) are delayed due to the performance of step (a), but Redman teaches displaying a show during processing without interfering with customer transactions (paragraph beginning "The interactive element"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to perform at least one of the substeps without any of the substeps being interrupted or delayed due to the performance of step (a), for the obvious advantages (noted in Redman) of not reducing the usefulness of ATM's, requiring more ATM's to be installed, with corresponding costs, to transact the same amount of business, or frustrating users waiting to complete their transactions.

Neither Ferber nor Redman expressly discloses that the transaction comprises performing at least one of: prompting the user to enter a PIN, prompting the user to select a transaction mode, prompting the user to select an account, processing a transaction request initiated by the user, displaying a transaction request result, dispensing an access card, and dispensing a receipt. However, official notice is taken that these are routine procedures of ATM's, as Examiner is in a position to know, having

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used ATM's for over twenty years, along with millions of other Americans. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the transaction to comprise at least one of these, for the obvious advantage of enabling users to carry out their desired transactions, receive back their cards, etc.

Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber as applied to claim 35 above, and further in view of official notice. As per claim 36, Ferber discloses that one of said traits is possession of an access card (paragraphs 20 and 22), and official notice is taken that it is well known for access cards to contain strings of predetermined alphanumeric characters (e.g., the ATM card in Examiner's wallet does so). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the access card to contain a string of predetermined alphanumeric characters, for the obvious advantage of enabling a user to readily distinguish the access card from other cards in his wallet.

As per claim 37, Ferber does not expressly disclose that one of the traits is a user relationship, but does disclose that the traits include a user profile (e.g., paragraph 23), and official notice is taken that it is well known for user profiles to comprise user relationships. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one of the traits to be a user

relationship, for the obvious advantage of selecting advertisements likely to result in purchases by users, based on relevant information about users.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber et al. (U.S. Patent Application Publication 2002/0003162) in view of official notice. Ferber discloses an apparatus for transmitting advertisements to an automated teller machine (ATM), comprising: a first memory area containing a plurality of advertisements (paragraphs 9, 23, and 24); and a processor, responsive to activation of said ATM by a user, that retrieves one or more of said plurality of advertisements from said first memory area, and transmits said advertisements to the user (Abstract; paragraphs 9, 20, 22, 23, 24, and 25). Ferber does not expressly disclose a second memory area that associates said one or more of said plurality of advertisements with a user, but does disclose associating and linking advertisements with a user (paragraph 23), official notice is taken that it is well known for computers to store information in memory areas in the course of operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the apparatus to comprise such a second memory area, for the obvious advantage of storing and manipulating the link information at least when in the course of linking and transmitting advertisements.

**Second Set of 103 Rejections:**

Claims 1, 2, 4, 5, 12, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the anonymous article, "Shooting Graphics to ATMs Can Help Banks Hit the Marketing Bulls Eye," hereinafter "Shooting Graphics," in view of official notice. As per claim 1, "Shooting Graphics" discloses a method for presenting a show on an automated teller machine (ATM), said method comprising the steps of: providing access to a memory containing a plurality of show elements; associating a subset of the plurality of show elements with a market category; selecting one or more show elements from said subset to form a playlist; and displaying the one or more show elements identified by the playlist to the user (entire article). "Shooting Graphics" does not expressly disclose that the elements are selected in response to activation of the ATM by a user, but official notice is taken that it is well known for users to activate ATM's (Examiner, for example, has done so many hundreds of times, beginning in the 1980's); hence, given the disclosure of advertisements targeted to users and selected based on user characteristics, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the elements to be selected in response to activation of the ATM by a user, as an obvious means of accomplishing the necessary identification of users and consequent determination of user characteristics.

As per claim 2, "Shooting Graphics" discloses that said market category is defined by one or more traits (entire article, especially paragraph beginning, "Developing profiles").

As per claim 4, "Shooting Graphics" discloses that one of said traits is a user relationship (entire article, especially paragraph beginning, "Developing profiles").

As per claim 5, "Shooting Graphics" discloses that one of the traits is an ATM market class (entire article, especially paragraph beginning, "Developing profiles").

As per claim 12, "Shooting Graphics" discloses that the plurality of show elements comprises at least one advertisement (entire article).

As per claim 26, "Shooting Graphics" does not expressly disclose prompting the user to enter a PIN, prompting the user to select a transaction mode, prompting the user to select an account, processing a transaction request initiated by the user, displaying a transaction request result, dispensing an access card, and dispensing a receipt. However, official notice is taken that these are routine procedures of ATM's, as Examiner is in a position to know, having used ATM's for over twenty years, along with millions of other Americans. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do these things, for the obvious advantage of enabling users to carry out their desired transactions, receive back their cards, etc.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics" and official notice as applied to claim 2 above, and further in view of the anonymous article "Diebold Announces Customized ATM Marketing Concept." "Shooting Graphics" does not expressly disclose that the market category is defined by the trait of possession of an access card, but "Diebold Announces Customized ATM Marketing Concept" teaches that such a trait is being, or not being a bank customer

(two paragraphs beginning from, "Diebold's one-to-one ATM marketing concept uses"), presumably determined from the ATM access card which the user inserts into the ATM. Official notice is taken that it is well known for access cards to contain strings of predetermined alphanumeric characters (e.g., the ATM card in Examiner's wallet does so). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one of the traits to be possession of an access card, for the stated advantages of advertising bank accounts to users who are not present customers of the bank providing the ATM, and other bank services to users who are; and for the access card to contain a string of predetermined alphanumeric characters, for the obvious advantage of enabling a user to readily distinguish the access card from other cards in his wallet.

Claim 6, 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics" and official notice as applied to claim 1 above, and further in view of Bankston ("Machine Magic"). As per claim 6, "Shooting Graphics" does not expressly disclose retrieving a list of show elements from a profile, but Bankston teaches ATM's accessing a marketing database to customize on-screen ads for users, implying retrieving a list of elements for the customization (paragraph beginning, "Still, Hughes suggests that processing time"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to retrieve a list of show elements from a profile, for the stated advantage of customizing ads, and the obvious advantage of increasing sales by presenting individually relevant rather than random advertisements.

As per claim 7, given Bankston's teaching of customizing ads for users, and the situation of users identifying themselves to ATM's by access cards, it follows that the profile would comprise an access card identifier and a show element identifier, for the obvious advantage of being able to determine which customized show elements, or elements of customized advertising displays, to display to which users.

As per claim 8, given Bankston's teaching of customizing ads for users, and the situation of users identifying themselves to ATM's, it follows that the profile would comprise a user identifier and a show element identifier, for the obvious advantage of being able to determine which customized show elements, or elements of customized advertising displays, to display to which users.

As per claim 10, Bankston teaches ATM's accessing a marketing database to customize on-screen ads for users, which implies obtaining the one or more show elements forming a playlist to be displayed before displaying the show elements (paragraph beginning, "Still, Hughes suggests that processing time"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to order the playlist prior to the step of displaying the one or more show elements, since displaying the elements before ordering the playlist of elements to be shown would be difficult.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics," Bankston, and official notice as applied to claim 6 above, and further in view of the Novadigm press release, "Novadigm & Diebold Join Forces to Deliver Optimized ATM Software Management," hereinafter "Novadigm & Diebold." "Shooting Graphics"



does not disclose that the profile comprises an identifier for the ATM, and a show element identifier, but "Novadigm & Diebold" teaches targeting advertising based on such factors as ATM location, which implies identifying the ATM, so as to deliver the appropriate (and identified) show elements in accordance with the ATM's location (two paragraphs beginning from, "Working together, EDM and Diebold ATMs"), making this obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention, much as set forth with regard to claim 6 above.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics," Bankston, and official notice as applied to claim 10 above, and further in view of Kurtzman, II et al. (U.S. Patent 6,144,944). "Shooting Graphics" does not disclose retrieving a weight assigned to each of said one or more show elements, but Kurtzman teaches retrieving weights assigned to advertisements (column 2, lines 22-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to retrieve retrieving a weight assigned to each of said one or more show elements, for the stated advantage of finding a best match advertisement(s) for a user.

Claims 13, 14, 19, 20, 21, 22, 23, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics" and official notice as applied to claim 1 above, and further in view of Hotchkiss ("ATMs at the Head of Their Class"). As per claim 13, "Shooting Graphics" does not disclose that the plurality of show elements comprises at least one public service announcement, but Hotchkiss teaches ATM's displaying public service announcements (paragraph beginning, "Technology is

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drastically changing what can be placed in ATMs"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the show elements to comprise at least one public service announcement, for the obvious advantages of benefiting the public, and attracting the attention of present or potential customers.

As per claim 14, Hotchkiss does not expressly disclose a news article, using those words, but does disclose that messages can include "public service announcements, or anything else" (ibid.). Not only does "anything else" include news articles, but news articles can include public service announcements, and public service announcements are a form of news article. Hence, having the show elements comprise at least one news article would have been obvious, as set forth for claim 13 above.

As per claim 19, "Shooting Graphics" does not expressly disclose processing a transaction request during the step of displaying the one or more show elements, but Hotchkiss teaches displaying a commercial while processing a transaction request initiated by a user (paragraph beginning, "When a person swipes the card (during a transaction)"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to process a transaction request while displaying one or more show elements for the stated advantage of displaying ads to a captive audience.

As per claims 20, 21, 22, 23, and 24, neither "Shooting Graphics" nor Hotchkiss discloses the recited specifics of when the show elements are displayed, but Hotchkiss, as noted above with regard to claim 19, teaches displaying a commercial while

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processing a transaction request initiated by a user. Official notice is taken that it is well known (as per claim 20) for ATM's to prompt users to enter their PIN's, and to wait for the PIN's to be entered; that it is well known (as per claim 21) for ATM's to prompt users to select a transaction mode, and to wait for the transaction mode to be selected (e.g., asking whether the user wants to make a withdrawal, a deposit, or a balance inquiry); that it is well known (as per claim 22) for ATM's to prompt users to select an account (e.g., checking or savings), and to wait for the account to be selected; that it is well known (as per claim 23) for ATM's to prompt users to retrieve a disbursed item (e.g., cash or a receipt), and to wait for the disbursed item to be selected; and all of these are cases of ATM's prompting users (as per claim 24). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display at least one or more show elements in any of these listed circumstances, for the stated advantage of displaying ads to a captive audience.

As per claim 25, "Shooting Graphics" does not expressly disclose that the step of displaying one or more show elements is carried out substantially simultaneously with at least one of the listed operations, but Hotchkiss teaches displaying a commercial while processing a transaction request initiated by a user (paragraph beginning, "When a person swipes the card (during a) transaction"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to carry out the step of displaying substantially with at least the step of processing a transaction request initiated by the user, for the stated advantage of displaying ads to a captive audience.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics" and official notice as applied to claim 1 above, and further in view of Vak (U.S. Patent 5,473,143). As per claim 15, "Shooting Graphics" does not expressly disclose providing a contact device that is responsive to an input from the user, but Vak implies such a contact device (column 2, lines 12-21; column 6, lines 1-28), and teaches in response to user input, generating an electronic mail message containing information about the user, and transmitting said message (column 1, line 65, through column 3, line 9; column 17, lines 43-53; column 18, lines 39-58). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate and transmit such a mail message, for the stated advantage (Vak, column 1, lines 55-61) of providing readily accessible electronic mail communication that frees users from the need to use a special purpose terminal; as well as to provide a contact device, for the disclosed advantage of enabling the user to input identification and other information.

As per claim 16, "Shooting Graphics" does not expressly disclose providing a contact device that is responsive to an input from the user, but Vak implies such a contact device contact device (column 2, lines 12-21; column 6, lines 1-28), and teaches in response to user input, generating an electronic mail message and transmitting said electronic mail message to an address specified by the user (column 1, line 65, through column 3, line 9; column 17, lines 43-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate and transmit such a mail message, for the stated

advantage (Vak, column 1, lines 55-61) of providing readily accessible electronic mail communication that frees users from the need to use a special purpose terminal; as well as to provide a contact device, for the disclosed advantage of enabling the user to input identification and other information.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics" and official notice as applied to claim 1 above, and further in view of Britt ("Going Interactive"). "Shooting Graphics" does not disclose displaying a default set of show elements prior to activation of the ATM by the user, but Britt teaches such a default display ("paragraph beginning, "Some financial institutions have already"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display a default set of show elements prior to activation of the ATM by the user, for the stated advantage of adding to a financial institution's fee income by selling advertising space.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics," Britt, and official notice as applied to claim 17 above, and further in view of the anonymous article, "Novadigm Brings Internet Advertising to the ATM, Transforming Cash machines into Marketing Channels," hereinafter "Novadigm Brings." Britt does not disclose that the default set of show elements is selected based on a market class for the ATM, but "Novadigm Brings" teaches customizing ATM advertising displays to market class (e.g., "particular areas") (paragraph beginning, "Wells Fargo has successfully launched"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the default set of

show elements to be selected based on a market class for the ATM, for the stated advantage of customizing marketing messages for particular areas or particular events.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics" and official notice as applied to claim 1 above, and further in view of the anonymous article, "The Year of the Thin Client," hereinafter "Year." "Shooting Graphics" does not expressly disclose retrieving a set of user preferences in response to activation of an ATM, although the user profiles might be read as implying user preferences, but "Year" teaches displaying personalized information indicating knowledge of user preferences, in response to ATM activation (six paragraphs beginning from "Other news from RDS included announcements"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to retrieve a set of user preferences in response to the activation, for the stated advantage of displaying corresponding personalized information.

"Shooting Graphics" and "Year" both pertain to the use of ATM's, and official notice is taken that it is well known to receive input from users, said input consisting of a personal identification number and a transaction mode entered by the user in response to instructions displayed on a single display screen; and to dispense cash to users (as Examiner, for example, can testify, having used ATM's since the 1980's). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to receive such input and dispense cash, for the obvious advantages of verifying the identity of users, determining what the users wish to do

(e.g., withdraw cash, make deposits, inquire as to their balances), and dispense the cash which is a common reason for users to use ATM's.

Claim 30, 31, and 32 are rejected under 35 U.S.C. 102(e) as anticipated by Meek et al. (U.S. Patent 7,039,600), or, in the alternative, under 35 U.S.C. 103(a) as obvious over Meek in view of official notice. As per claim 30, Meek discloses a method of withdrawing cash from an automated teller machine (ATM) consisting of: inserting an access card into the ATM; providing a personal identification and transaction mode in response to a query (column 2, lines 1-51; Figures 1, 8, 15 and 6; column 22, line 60, through column 23, line 9); receiving said cash (column 3, lines 24-32); and retrieving the access card (column 4, lines 1-10). Meek, as cited, discloses providing a personal identification and transaction mode in response to a query consisting of a single physical screen used to display different messages at different times (column 2, lines 1-51; Figures 1, 8, 15 and 6; column 22, line 60, through column 23, line 9). If "single display screen" is to be given the meaning of a screen displaying several queries at the same time (which is not clearly set forth in the instant specification), then Meek does not disclose it, but official notice is taken that it is well known to display several queries at a time on a single screen. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a PIN and a transaction mode in response to a query consisting of a single display screen, in the sense of a multi-part query displayed at one time on a screen, for the obvious advantage of completing ATM business expeditiously.

As per claim 31, this is anticipated or obvious for the reasons set forth above with regard to claim 30, and further, because Meek discloses receiving a receipt (column 3, lines 24-32).

As per claim 32, Meek discloses a method of obtaining a statement from an automated teller machine (ATM) consisting of: inserting an access card into the ATM; providing a personal identification and transaction mode in response to a query (column 2, lines 1-51; Figures 1, 8, 15 and 6; column 22, line 60, through column 23, line 9); receiving a printout from the ATM containing a statement (column 3, lines 24-32); and retrieving the card (column 4, lines 1-10). Meek, as cited, discloses providing a personal identification and transaction mode in response to a query consisting of a single physical screen used to display different messages at different times (column 2, lines 1-51; Figures 1, 8, 15 and 6; column 22, line 60, through column 23, line 9). If "single display screen" is to be given the meaning of a screen displaying several queries at the same time (which is not clearly set forth in the instant specification), then Meek does not disclose it, but official notice is taken that it is well known to display several queries at a time on a single screen. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a PIN and a transaction mode in response to a query consisting of a single display screen, in the sense of a multi-part query displayed at one time on a screen, for the obvious advantage of completing ATM business expeditiously.



Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hotchkiss ("ATMs at the Head of Their Class"). Hotchkiss discloses a method of conducting a transaction on an automated teller machine (ATM) comprising: (a) displaying a show in response to activation of said automated teller machine (ATM) by a user; and (b) performing at least the substep of processing a transaction request initiated by the user while carrying out step (a) (paragraph beginning, "When a person swipes the card (during a) transaction"). Hotchkiss is not entirely explicit that this is done without interrupting or delaying the transaction, but implies this, by referring to the current time for processing a transaction (without presenting a show), and referring to using this time, without any suggestion that the time be extended. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the transaction not to be interrupted or delayed, for at least the obvious advantage of not causing exasperated customers to take their banking business elsewhere.

Claims 34, 35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the anonymous article, "Shooting Graphics to ATMs Can Help Banks Hit the Marketing Bulls Eye," hereinafter "Shooting Graphics." As per claim 34, "Shooting Graphics" discloses an apparatus for presenting a show on an automated teller machine (ATM), comprising: a memory area containing a plurality of show elements, wherein, in response to activation of the ATM by a user associated with a market category, one or more of the plurality of show elements is retrieved from the

memory area, and presented to the user (entire article). "Shooting Graphics" does not expressly disclose that a processor does this, and that the processor monitors activity on the ATM, but "Shooting Graphics" does disclose an electronic system for downloading graphics and other messages, implying a processor, and does disclose that the show elements downloaded depend on the customer categories, which necessarily implies at least monitoring the activity of customers in identifying themselves to the ATM's, making these elements obvious.

As per claim 35, "Shooting Graphics" discloses that said market category is defined by one or more traits (entire article, especially paragraph beginning, "Developing profiles").

As per claim 37, "Shooting Graphics" discloses that one of said traits is a user relationship (entire article, especially paragraph beginning, "Developing profiles").

As per claim 38, "Shooting Graphics" discloses that one of the traits is an ATM market class (entire article, especially paragraph beginning, "Developing profiles").

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Shooting Graphics" as applied to claim 35 above, and further in view of the anonymous article "Diebold Announces Customized ATM Marketing Concept" and official notice. "Shooting Graphics" does not expressly disclose that the market category is defined by the trait of possession of an access card, but "Diebold Announces Customized ATM Marketing Concept" teaches that such a trait is being, or not being a bank customer (two paragraphs beginning from, "Diebold's one-to-one ATM marketing concept uses"), presumably determined from the ATM access card which the user inserts into the ATM.

Official notice is taken that it is well known for access cards to contain strings of predetermined alphanumeric characters (e.g., the ATM card in Examiner's wallet does so). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one of the traits to be possession of an access card, for the stated advantages of advertising bank accounts to users who are not present customers of the bank providing the ATM, and other bank services to users who are; and for the access card to contain a string of predetermined alphanumeric characters, for the obvious advantage of enabling a user to readily distinguish the access card from other cards in his wallet.

Claims 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over the anonymous article, "Shooting Graphics to ATMs Can Help Banks Hit the Marketing Bulls Eye," hereinafter "Shooting Graphics," in view of official notice. "Shooting Graphics" discloses an apparatus for transmitting advertisements on an automated teller machine (ATM), comprising: a memory area containing a plurality of advertisements, and discloses customer profiles determining which advertisements are to be displayed to which users (whole article), implying a second memory containing a link that associates one or more of the plurality of advertisements with the user. "Shooting Graphics" does not expressly disclose that a processor transmits the advertisements to the ATM, but disclose an electronic system for downloading advertisements, implying a processor involved in downloading the advertisements, official notice being taken that processors are well known in servers which download

presentations, and "Shooting Graphics" does disclose that the show elements downloaded depend on the customer categories, which necessarily implies that the transmitting is responsive to activation of the ATM by the user. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the apparatus include such a processor, for the obvious advantage of enabling the disclosed operations to be conveniently carried out.

### ***Response to Arguments***

Applicant's arguments filed September 20, 2006 have been fully considered but they are not persuasive. Applicant has provided affidavits in an effort to establish priority before that of Ferber et al. (U.S. Patent Application Publication 2002/0003162) and some of the other prior art relied upon in making the rejections in the previous office action. However, the Declaration of Calvin Fei is held to be insufficient to establish diligence from the time of conception to reduction to practice, nor is this sufficiently established by the Declarations of the other co-inventors, or the Disclosure Documents and other information made of record. However, recognizing the possibility that sufficient diligence might be established, Examiner has made new rejections, so that all of Applicant's claims now stand rejected on the basis of art with priority to well before October 7, 1999. Incidentally, Examiner has confirmed that U.S. provisional Application 60/110,125, filed November 24, 1999, does contain language and drawings closely matching the parts of the specification and figures from the Meek patent (U.S. Patent 7,039,600) relied upon in rejecting some of Applicant's claims.

With regard to claims 28 and 29, Examiner has now taken explicit official notice regarding single display screens, which are very well known.

Because new and modified rejections have been made, not all of them necessitated by Applicant's amendments, this rejection is made non-final.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rivalto (U.S. Patent 5,842,139) discloses an automated drive-up vending facility. Drummond et al. (U.S. Patent 6,289,320) disclose an automated banking machine apparatus and system. Kolls (U.S. Patent 6,601,038) discloses delivery of goods and services resultant from an electronic commerce transaction by way of a pack and ship type company. Kolls (U.S. Patent 6,609,102) discloses a universal interactive advertising and payment system for public access electronic commerce. Usner et al. (U.S. Patent 7,003,492) disclose an apparatus and method for indicating the status of transaction function devices in an automated banking machine.

Araida (Japanese Patent Application Publication 11-283080 A) discloses an automated teller machine which displays advertisements.

Cropper ("The Media Business: Advertising; Talking Ads May Be Coming to a Gas Pump or Automated Teller Machine Near You") discloses displaying ads at ATM's

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(and gas pumps). The anonymous article, "Technology Corner," discloses an ATM with tailored messages targetted to individual users. Edwards ("ATMs -- the Hot New Media Buy") discloses customized advertising on ATMs. The anonymous article, "Drilling for Customer Data on ATMs Made Easier," discloses displaying personalized advertizsements to ATM customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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